IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNI	TED STATES OF AMERICA) 2.05CP400			
	Plaintiff,) 8:05CR199)			
	vs.) DETENTION ORDER			
JOS	SE HERNANDEZ-MENDOZA,))			
	Defendant.	,			
	Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on May 31, 2005, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).				
	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 				
	distribute in excess of 50 carries a minimum sent maximum of life imprison distribute in excess of 50 c V) in violation of 21 U.S sentence of five years imprisonment. (b) The offense is a crime of V (c) The offense involves a nare (d) The offense involves a large (d) The offense involves a large (a) The weight of the evidence again X (a) The history and characteristics of (a) General Factors: The defendant appear affect whether the defendant has not X The defendant has not X The defendant does Past conduct of the control of the defendant has a defend	Report, and includes the following: offense charged: to distribute and possess with intent to grams of methamphetamine (Count I), ence of ten years imprisonment and a ment; and the possession with intent to grams of methamphetamine (Counts IV and S.C. § 841(a)(1) each carry a minimum prisonment and a maximum of forty years violence. recotic drug. ge amount of controlled substances, to wit: st the defendant is high. If the defendant including: ars to have a mental condition which may aftendant will appear. o family ties in the area. o steady employment. o substantial financial resources. a long time resident of the community. not have any significant community ties.			

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			 X The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court 	
			proceedings.	
		(b)	At the time of the current arrest, the defendant was on: Probation	
			Parole	
			Release pending trial, sentence, appeal or completion of sentence.	
		(c)	Other Factors:	
			X The defendant is an illegal alien and is subject to deportation.	
			The defendant is a legal alien and will be subject to deportation if convicted.	
			X The Bureau of Immigration and Custom Enforcement (BICE) has	
			placed a detainer with the U.S. Marshal.	
	(4)	_	Other:	
<u>X</u>	(4)	The na	ature and seriousness of the danger posed by the defendant's release sfollows: The nature of the charges in the Indictment.	
X	(5)	Rebu	ttable Presumptions	
	(0)		ermining that the defendant should be detained, the Court also relied on	
			llowing rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)	
			ich the Court finds the defendant has not rebutted:	
	<u>X</u>	_ (a)	That no condition or combination of conditions will reasonably assure	
			the appearance of the defendant as required and the safety of any	
			other person and the community because the Court finds that the crime	
			involves: (1) A crime of violence; or	
			X (2) An offense for which the maximum penalty is life	
			imprisonment or death; or	
			X (3) A controlled substance violation which has a maximum	
			penalty of 10 years or more; or	
			(4) A felony after the defendant had been convicted of two or	
			more prior offenses described in (1) through (3) above, and	
			the defendant has a prior conviction for one of the crimes	
			mentioned in (1) through (3) above which is less than five	
			years old and which was committed while the defendant was	
	X	(h)	on pretrial release. That no condition or combination of conditions will reasonably assure	
		_ (b)	the appearance of the defendant as required and the safety of the	
			community because the Court finds that there is probable cause to	
			believe:	
			X (1) That the defendant has committed a controlled substance	
			violation which has a maximum penalty of 10 years or more.	
			(2) That the defendant has committed an offense under 18	
			U.S.C. § 924(c) (uses or carries a firearm during and in	
			relation to any crime of violence, including a crime of	
			violence, which provides for an enhanced punishment if	
			committed by the use of a deadly or dangerous weapon or device).	

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- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: May 31, 2005. BY THE COURT:

> s/Thomas D. Thalken United States Magistrate Judge